

U.S. District Court for the Southern District of Mississippi **CASE NO 15-CV-382**

DECLARATION OF CHARLES L. LEARY DATED DECEMBER 19, 2018



1. I received Douglas Handshoe's defense in this case on December 3, 2018, by post. Attached hereto as Exhibit "A" is a copy of the tracking information and a true copy of the envelope. "Canada" was not indicated as part of the address on the envelope. The envelope was mailed on November 9, 2018. His Certificate of Service for his defense states that "Canada" was included in the address.
2. On October 30, 2017, I provided Mr. Handshoe with the following documents as part of my disclosure obligations, in PDF format: (a) email from AWS regarding counternotification; (b) DreamHost counternotification email; (c) YouTube counternotification email; (d) letter from Douglas Handshoe re: AWS counternotification; (e) copyright assignment of copyright in photograph from Ashoka to Charles Leary; (f) copyright assignment dated September 1, 2016, of copyright in photographs registered with the Canadian Intellectual Property Office to Charles Leary from Trout Point Lodge, Limited. A true copy of item (f) is attached hereto as Exhibit "B".
3. I made additional disclosures to Mr. Handshoe of emails relating to by tortious interference claim after this.
4. Attached hereto as Exhibit "C" is a true copy of Notice of Sheriff's sale filed by Douglas Handshoe in his personal name on July 10, 2018 in Stone County Circuit Court that lists the copyrighted photographs contained in the copyright assignment, Exhibit "B", as being sold under Writ of Execution. I never received notice of the Writ of Execution. The sheriff's sale was subsequently stayed by court order. The Writ also seeks execution on my claims in this case.
5. No other person outside of Trout Point Lodge, Limited, officers have ever been provided with the copyright assignment. The copyright assignment is not public record, and the only person the copyright assignment has ever been provided to is Douglas K. Handshoe.
6. The *Toronto Star* has published two news stories about my legal victory against Douglas Handshoe, once in 2012 and once in 2014. The *Star* also briefly mentioned Trout Point Lodge being a finalist in the National Geographic Geotourism Challenge in an article in 2009.
7. I authored an entry for Trout Point Lodge in the 2009 National Geographic Society (NGS) Geotourism Challenge. Trout Point Lodge became one of ten finalists in that competition. Attached hereto as Exhibit "D" is a true copy of press releases from the National Geographic Society. Ashoka helped administer the competition with NGS. Vaughn Perret and I were then named as delegates to the 2010 Geotourism Summit at NGS headquarters. While there, NGS took my photographic portrait, which was later published online on a page marked as copyrighted. That photograph would later appear on the Slabbed web site. CLL
8. Ashoka published a positive online article about Leary and Perret as social entrepreneurs, and also mentioned the Geotourism Challenge. Ashoka had taken a professional photograph of Leary and Perret while they were delegates at the Geotourism Summit. This photograph was published in the online article. Ashoka provided me with an advance copy of the article featuring the photograph while I was in Nova Scotia, which I viewed for the first time in Nova Scotia.
9. *Nova Scotia Open to the World* magazine published a positive article about Trout Point Lodge authored by Marilyn Smulders. Ms. Smulders also authored a published a photograph of Daniel Abel, Vaughn Perret, and myself in the article. The magazine's corporate publisher was Progress Media of Halifax. Progress Media also awarded Trout Point Lodge an award for being one of the fastest growing companies in Atlantic Canada in 2012. The Smulders photograph

later appeared on Slabbed without permission.

10. The Halifax *Chronicle-Herald* newspaper is a major daily newspaper. It published articles about my legal victories in Nova Scotia Supreme Court against Douglas Handshoe in both 2012 and 2014. The *Chronicle-Herald* has also published several positive articles about Trout Point Lodge as a tourism destination.
11. Mr. Perret and I authorized attorney Jason Purvis to make a settlement offer to Mr. Handshoe while he was representing us. As I recall, it was flatly rejected. As a pro se party, I made settlement offers to Mr. Handshoe on May 7, 2018, writing: "I am writing to let you know I remain open to settlement of this dispute. Now would be an opportune time before I re-file my counterclaims. Please let me know if you have any interest." I then proposed terms, which included removing material published about me. Mr. Handshoe's reply included that I pay him \$180,000 and \$47,900 (plus interest) and pay Slabbed New Media \$425,000 for removal of published materials including photographs at issue in this case. I again proactively offered to settle with Mr. Handshoe on September 13, 2018. Mr. Handshoe's reply on September 14, 2018 was: "I will have a writ of execution ready for you when you appear" at the court-ordered settlement conference in Mississippi. To my knowledge and recollection, Mr. Handshoe has never made a proactive settlement offer to me.
12. Attached hereto as Exhibit "B" are true copies of Slabbed (www.slabbed.org) publications referencing me. I personally viewed these publications online and printed them on December 20, 2018. They were all authored by Douglas K. Handshoe. These are *not* among the most homophobic publications that appear on Slabbed as this declaration will be publicly accessible. ccl
13. Attached hereto as Exhibit "F" is a true copy of a "Jackson Jambalaya" publication that included a press release from Douglas Handshoe as well as publishing the first complaint in this case in its entirety. I found these publications online and printed the exhibit. ccl

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 20, '18 (date).



Charles L. Leary (signature)